

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

In response to the Examiner's requirement of a submission of a complete English translation, Applicants submit herewith a copy of an English translation of a research planning document prepared by the inventors included as part of the invention disclosure of the above-identified application. Each of the inventors prepared the research planning document at ShinMaywa Industries, Ltd. on November 30, 2001, prior to the filing date of the related priority Japanese application filed November 7, 2002.

As previously submitted, the research planning document discloses a plan for fabricating an airplane frame without fasteners. It further describes technology for welding two abutted flat plates by a FSW without overlapping (e.g., see FIG. 6). Thus, conception of the invention is established by November 30, 2001 at the latest. The work schedule the attached Table 1, included in the research planning document, further describes various examinations which were conducted until March 2002. Accordingly, the invention was practiced and filed as a patent application in Japan on November 7, 2002. Applicants further provide herewith a Declaration under 37 CFR § 1.131 to constructively swear behind the November 30, 2001 research planning document.

1. Rejections under 35 U.S.C. §103(a)

With respect to the rejection of claims 3, 4, and 9 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Dracup et al., to the rejection of claims 5-7 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Dracup et al., as applied to claim 3 above, and further in view of Litwinski et al. (U.S. Patent No. 6,780,525), and to the rejection of claim 8 under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Dracup et al., as applied to claim 3 above, and further in view of Myer (U.S. Patent No. 4,278,863), Applicants respectfully submit that the information of Dracup et al., relied upon by the Examiner, is not available as prior art.

Further, in addition to Dracup et al. not available as a primary reference, at least for the reasons presented in the Amendment of June 19, 2008, it is respectfully submitted that AAPA, Litwinski et al. or Myer, taken alone or in any proper combination with Dracup et al.,

fail to disclose or suggest the subject matter as recited in the claims. Hence, withdrawal of the rejection is respectfully requested.

2. Conclusion

In view of the foregoing remarks and submission of the English translation of the priority document, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 3-9 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's representative, the Examiner is invited to contact the undersigned at the numbers shown.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned patent agent at (202) 585-8316.

Respectfully submitted,
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